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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/091,000
Filing Date: March 04, 2002
Appellant(s): DEGEN ET AL.

Jason A. Sanders, Reg. No. 59,984
Townsend and Townsend and Crew, LLP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 2, 2007 appealing from the Office action mailed December 15, 2006.

(1) Real party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is not correct. This Examiner's Answer contains a new grounds of rejection

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0135457

Stewart et al

11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6-14, 16-19, 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 2003/0135457).

Regarding claim 1 –

Stewart discloses: a method for evaluating electronic value transfers (e.g. par 0016), the method comprising: receiving a plurality of money transfer requests, wherein the money transfer requests include a first sender identification associated with a first money transfer request and at least a second sender identification associated with a second money transfer request (e.g. par 52); electronically storing records of the money transfer requests (e.g. par 42); performing an analysis of the records, wherein the analysis indicates the first sender identification and the second sender identification are related (e.g. par 37); creating a reference designator, wherein the reference designator is associated with the first sender identification and the second sender identification (e.g. par 21); and searching the records of the money transfer requests according to a specified criteria to determine if any of the money transfer requests associated with the reference designator are suspicious money transfer requests (e.g. par 21); flagging any suspicious money transfer requests (e.g. par 21).

Stewart does not specifically refer to money requests or money transfers as “suspect” or “suspicious”; however, it does refer to “fraudulent” or “fraud”. Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However,

Art Unit: 3621

Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claims 2-4 –

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Art Unit: 3621

Regarding claims 6-14 –

As above, Stewart does not specifically refer to money requests or money transfers as “suspect” or “suspicious”, however, it does refer to “fraudulent” or “fraud”. Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to “An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claim 16 –

Stewart discloses a method for evaluating electronic value transfers (e.g. par 16), the method comprising: accessing a money transfer record, wherein the money transfer record includes a sender identification and a receiver identification (e.g. par 52); assigning a master location identifier to the money transfer record, wherein the master location identifier is determined by one or both of the sender identification and the receiver identification (e.g. par 21); comparing the money transfer record to a reference designator using a specified criteria, wherein one or more fields of the reference

designator or the money transfer record indicate a relationship between the reference designator and the money transfer record (e.g. par 21); and associating the money transfer record with the reference designator (e.g. par 21).

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claim 17 –

Stewart discloses a method for iteratively compiling suspicious money transfer activities from money transfer records (e.g. par 16), the method comprising: accessing a first money transfer record (e.g. par 52); providing a first reference designator, wherein the first reference designator is associated with one or more of a sender identification and a receiver identification from a second money transfer record (e.g. par 21); comparing the

first money transfer record to the first reference designator using a specified criteria, wherein the comparison indicates the first money transfer record is not related to the first reference designator (e.g. par 21); and creating a second reference designator, wherein the second reference designator is associated with one or more of a sender identification and a receiver identification from the first money transfer record (e.g. par 21).

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claims 18-19-

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely

Art Unit: 3621

changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claims 21-22 –

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The

Art Unit: 3621

criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claim 23 –

Stewart discloses a method for evaluating electronic value transfers (e.g. par 16), the method comprising: receiving money transfer requests, wherein the money transfer requests include a user identification associated each of the money transfer requests (e.g. par 52); electronically storing records of the money transfer requests(e.g. par 41); providing the records of the money transfer requests to a fraud processing computer (e.g. par 21).

As above, Stewart does not specifically refer to money requests or money transfers as “suspect” or “suspicious”, however, it does refer to “fraudulent” or “fraud”. Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to “An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in

Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claim 24 –

Stewart discloses a system for evaluating value transfers (e.g. par 16), the system comprising: a fraud processing computer (e.g. par 21); and a computer readable medium associated with the fraud processing computer, wherein the computer readable medium comprises computer instructions executable by the fraud processing computer to: access a first money transfer record (e.g. par 52); provide a first reference designator, wherein the first reference designator is associated with one or more of a sender identification and a receiver identification from a second money transfer record (e.g. par 21); compare the first money transfer record to the first reference designator using a specified criteria (e.g. par 21).

As above, Stewart does not specifically refer to money requests or money transfers as “suspect” or “suspicious”, however, it does refer to “fraudulent” or “fraud”. Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to “An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The

Art Unit: 3621

criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claims 25-26 –

As above, Stewart does not specifically refer to money requests or money transfers as “suspect” or “suspicious”, however, it does refer to “fraudulent” or “fraud”. Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to “An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Regarding claim 27 –

Stewart discloses a system for transferring value (e.g. par 16), the system comprising: a money transfer system (e.g. par 16); and a fraud processing server communicably coupled to the money transfer system wherein money transfer records

Art Unit: 3621

associated with the money transfer system are accessible by the fraud processing server to identify any suspect suspicious money transfer requests (e.g. par 21).

As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 101

Claims 1-23 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent¹ and

¹ See also *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

Art Unit: 3621

recent Federal Circuit decisions, a §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. See *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008) (en banc).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.

To meet prong (1), the method step should positively recite the other statutory class (the thing or product) to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively or to meet prong (2), the method step should positively recite identifying the material that is being changed to a different state or positively recite the subject matter that is being transformed.

In this particular case, the claims fail prong (1) because the method steps are not tied to a machine and can be performed without the use of a particular machine. Additionally, the claim(s) fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing. For example, the first method step of claim 16 recites "accessing a money transfer record", but fails to identify a machine that performs the "accessing".

(10) Response to Argument

First Issue

Appellant argues that with regard to claim 1, Stewart does not teach or suggest creating or searching money transfer requests associated with a reference designator.

Examiner respectfully disagrees and directs attention to Stewart wherein “[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.”

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain “names” or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow “clicked” with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is “clicks” with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Second Issue

Appellant argues that “Stewart Does Not Teach Or Suggest Receiving A Plurality Of Money Transfer Requests”.

Examiner respectfully disagrees and directs attention to Stewart wherein “[0007] The system and method provide the ability to perform real-time or near real-time demand deposit account **openings** through the Internet.” (emphasis added).

Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Third Issue

Appellant argues that "Stewart Does Not Teach Determining Whether The First Sender Identification And The Second Sender Identification Are Related".

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether it "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Art Unit: 3621

Fourth Issue

Appellant argues that "Stewart Does Not Teach Or Suggest Any Of The Seven Suspicious Money Transfers Claimed In Claim 1".

Examiner respectfully disagrees. Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious"; however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Fifth Issue

Appellant argues that "Stewart Does Not Teach Or Suggest Storing Reference Designators Apart From Money Transfer Requests".

Art Unit: 3621

Examiner respectfully disagrees and directs attention to Stewart wherein "[0040]

In addition, a historical database includes records of each funding transaction performed by the system 5. All transaction data is stored and used for positive and negative verification filters on subsequent transactions. Additionally, the historical database is used to create new filters and to provide a record for a financial institution. The records of the historical database include the MICR line, currency amount, check number and result of the funding transaction. The historical database records may also include additional data. For example, the historical database may track and store data for a velocity measurement filter, which records activity level data for a checking account. " Just as the historical database stores records of each transaction separately from the money transfer requests, it also stores "additional data". Such additional data may obviously include reference designators. As above, customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Sixth Issue

Appellant argues that with regard to claims 2-4, "Stewart does not perform a hierarchical comparison of the first sender identification and the second sender identification.

Examiner respectfully disagrees and directs attention to Stewart wherein "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Seventh Issue

Appellant argues that "With regard to claims 6-8, Stewart does not teach or suggest the use of reference designators, let alone identifying a reference designator as a known suspicious user."

Examiner respectfully disagrees. As above, Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious", however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability

Art Unit: 3621

when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Eighth Issue

Appellant argues, regarding claim 9, that "Stewart also does not parse money transfer requests. The application for a deposit account in Stewart is analyzed as a whole for risk and fraud. Nothing in Stewart suggests that the application is parsed of unnecessary data. Moreover, there is no need in Stewart to do so."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes

Art Unit: 3621

enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.”

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain “names” or other information on the list. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow “clicked” with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether it “clicks” with the list. Those that do are further analyzed. Thus, unnecessary data is parsed out, and only those transactions that need to be analyzed are analyzed. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Ninth Issue

Appellant argues, with respect to claims 10-12, that “Stewart does not teach or suggest receiver identifications.”

Examiner respectfully disagrees and directs attention to Stewart, wherein “[0041] After the data is checked for accuracy, the entered MICR line is converted into a format capable of being posted at the ACH. The funding transaction is presented to the ACH and funds are transferred to an escrow account for the financial institution 10 to transfer funds from the escrow account into the newly opened account. The funding transaction presented to the ACH includes the MICR data in the appropriate ACH format.” Clearly

Art Unit: 3621

the escrow account is receiving funds and must somehow be identified or designated. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Tenth Issue

Appellant argues, with respect to claims 13 and 14, that "Stewart does not teach or suggest reducing performance impacts by maintaining separate databases and/or using batch modes."

Examiner respectfully disagrees and directs attention to Stewart wherein "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application.

Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Further, it is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have

Art Unit: 3621

somehow “clicked” with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is “clicks” with the list. Those that do are further analyzed, thus you are reducing performance impacts. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Eleventh Issue

Regarding claim 16, appellant argues, that Stewart does not teach or suggest accessing a money transfer record.

Examiner respectfully disagrees and directs attention to Stewart, wherein “[0040] In addition, a historical database includes records of each funding transaction performed by the system 5. All transaction data is stored and used for positive and negative verification filters on subsequent transactions. Additionally, the historical database is used to create new filters and to provide a record for a financial institution. The records of the historical database include the MICR line, currency amount, check number and result of the funding transaction. The historical database records may also include additional data. For example, the historical database may track and store data for a velocity measurement filter, which records activity level data for a checking account. “ Further, as in claims 10-12, above, “[0041] After the data is checked for accuracy, the entered MICR line is converted into a format capable of being posted at the ACH. The funding transaction is presented to the ACH and funds are transferred to an escrow account for the financial institution 10 to transfer funds from the escrow

Art Unit: 3621

account into the newly opened account. The funding transaction presented to the ACH includes the MICR data in the appropriate ACH format.” Clearly the escrow account is receiving funds and must somehow be identified or designated. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Twelfth Issue

Appellant argues, with respect to claim 16, that Stewart does not teach or suggest a master location identifier to the money transfer request.

Examiner disagrees and directs attention to Stewart wherein “[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.”

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain “names” or other information on the list. The customer data, names /foreign translations, etc are all reference designators. A master location identifier would merely be one more reference designator. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Thirteenth Issue

Appellant argues, with respect to claim 16, that "Stewart Does Not Teach Or Suggest Associating The Money Transfer Record With The Reference Designator".

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Fourteenth Issue

Appellant argues, with respect to claim 17, that "Stewart Does Not Teach Or Suggest Providing A First Reference Designator."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Fifteenth Issue

Appellant argues, with respect to claim 17, that "Stewart Does Not Teach Or Suggest Comparing The First Money Transfer Record To The First Reference Designator."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer

Art Unit: 3621

data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Sixteenth Issue

Appellant argues, with respect to claim 17, that "Stewart Does Not Teach Or Suggest Creating A Second Reference Designator."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes

enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.”

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain “names” or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Also, there are clearly different designators according to the different criteria to be checked for. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d

Seventeenth Issue

Appellant argues, with respect to claim 17, that “Stewart Does Not Teach Or Suggest Maintaining The First And Second Reference Designators In A Reference Designator List”.

Examiner respectfully disagrees and directs attention to Stewart wherein “[0040] In addition, a historical database includes records of each funding transaction performed by the system 5. All transaction data is stored and used for positive and negative verification filters on subsequent transactions. Additionally, the historical database is used to create new filters and to provide a record for a financial institution. The records of the historical database include the MICR line, currency amount, check number and result of the funding transaction. The historical database records may also include additional data. For example, the historical database may track and store data

Art Unit: 3621

for a velocity measurement filter, which records activity level data for a checking account. " Just as the historical database stores records of each transaction separately from the money transfer requests, it also stores "additional data". Such additional data may obviously include reference designators. As above, customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether it "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Eighteenth Issue

Appellant argues that "Stewart Does Not Teach Or Suggest Any Of The Seven Suspicious Money Transfers Claimed In Claim 17".

Examiner respectfully disagrees. Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious"; however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists

published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Nineteenth Issue

Appellant argues with regard to claim 18, that Stewart does not access a third money transfer request.

Examiner respectfully disagrees and directs attention to Stewart wherein “[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.”

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain “names” or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two, three, or more. Also, there are clearly different designators

Art Unit: 3621

according to the different criteria to be checked for. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d.

Twentieth Issue

Appellant argues, "With regard to claim 19, Stewart does not teach or suggest attaching a time stamp to reference designators. "

Examiner respectfully disagrees and direct attention to Stewart wherein "[0056] Information generated by the authorization and funds verification systems 60, 65, as well as consumer data, inquiry response information, *transaction date and time*, and transaction error messages, are provided to the financial institution 10." (emphasis added).

Twenty-first issue

Appellant argues, "With regard to claim 21, Stewart does not teach or suggest listing a progressive history of money transfer relationships".

Examiner respectfully disagrees, Examiner respectfully disagrees. Stewart does not specifically refer to money requests or money transfers as "progressive" "suspect" or "suspicious"; however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury

Art Unit: 3621

Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance.

This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart to include progressive money transfers and thus obtain the instant application. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Twenty-second Issue

Appellant argues, “With regard to claim 22, Stewart does not teach or suggest a hierarchical comparison.”

Examiner respectfully disagrees and directs attention to Stewart wherein “An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses.” (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart to include hierarchical comparisons and thus obtain the instant application. Additionally, *KSR* forecloses Appellant’s argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82

Art Unit: 3621

USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Twenty-third Issue

Appellant argues, with regard to claim 23, that "Stewart Does Not Teach Or Suggest Grouping Money Transfer Requests Based On Similarities Between The User Identification".

Examiner respectfully disagrees and directs attention to Stewart wherein "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart to include similarities in user names when mapping the said foreign names and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Twenty-fourth Issue

Appellant argues, that "Stewart Does Not Teach Or Suggest Any Of The Seven Suspicious Money Transfers Claimed In Claim 23".

Art Unit: 3621

Examiner respectfully disagrees. Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious"; however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Twenty-fifth Issue

Appellant argues, with regard to claim 24, that "Stewart does not teach or suggest a system that (a) provides a first reference designator; (b) compares the first money transfer record to the first reference designator; (c) creates a second reference designator; and (d) maintains the first and second reference designators in a reference designator list."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether it "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Further, Examiner respectfully disagrees and directs attention to Stewart wherein "[0040] In addition, a historical database includes records of each funding transaction performed by the system 5. All transaction data is stored and used for positive and negative verification filters on subsequent transactions. Additionally, the historical database is used to create new filters and to provide a record for a financial institution. The records of the historical database include the MICR line, currency amount, check

Art Unit: 3621

number and result of the funding transaction. The historical database records may also include additional data. For example, the historical database may track and store data for a velocity measurement filter, which records activity level data for a checking account. " Just as the historical database stores records of each transaction separately from the money transfer requests, it also stores "additional data". Such additional data may obviously include reference designators. As above, customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether it "clicks" with the list. Those that do are further analyzed. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Twenty-sixth Issue

Appellant argues that with respect to claim 25, Stewart does not access a third money request.

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance.

This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two, three, or more. Also, there are clearly different designators according to the different criteria to be checked for. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d.

Twenty-seventh Issue

Appellant argues, with respect to claim 26, that Stewart does not teach or suggest a database maintaining database designators.

Examiner respectfully disagrees and directs attention to Stewart wherein "[0040] In addition, a historical database includes records of each funding transaction performed by the system 5. All transaction data is stored and used for positive and negative verification filters on subsequent transactions. Additionally, the historical database is used to create new filters and to provide a record for a financial institution. The records of the historical database include the MICR line, currency amount, check number and result of the funding transaction. The historical database records may also include additional data. For example, the historical database may track and store data for a velocity measurement filter, which records activity level data for a checking

Art Unit: 3621

account. " Just as the historical database stores records of each transaction separately from the money transfer requests, it also stores "additional data". Such additional data may obviously include reference designators. As above, customer data, names /foreign translations, etc are all reference designators. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396. Also, The claimed subject matter, likely would have been obvious under *KSR*.

Twenty-eighth Issue

Appellant argues, with respect to claim 27 that "Stewart Does Not Teach Or Suggest A Fraud Processing Server That Clusters Related Money Transfer Records."

Examiner respectfully disagrees and directs attention to Stewart wherein "[0021] An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses."

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed. Or rather, every transaction is analyzed to the point of deciding whether is "clicks" with the list. Those that do are

further analyzed. Thus, transactions that somehow are similar, are clustered together for further analysis. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Twenty-ninth Issue

Appellant argues that "Stewart Does Not Teach Or Suggest Any Of The Seven Suspicious Money Transfers Claimed In Claim 27."

Examiner respectfully disagrees. Stewart does not specifically refer to money requests or money transfers as "suspect" or "suspicious"; however, it does refer to "fraudulent" or "fraud". Merely changing terminology does not confer patentability when said different terms are functionally the same. Additionally, Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. However, Stewart does refer to "An automated search routine within the authorization system 60 also checks customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance. This search includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses." (par 0021). The criteria used in the instant application could easily be substituted for the ones named in Stewart. Thus, it would be obvious to one of ordinary skill in the art to adapt Stewart and thus obtain the instant application. Additionally, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be

Art Unit: 3621

treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

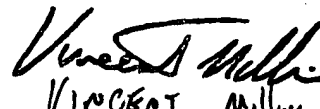
Respectfully submitted,

/Jacob C. Coppola/

Examiner, Art Unit 3621



ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



VINCENT MILLER
DIPLOMA PRACTICE SPECIALIST

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

WYNN W. COGGINS
TECHNOLOGY CENTER DIRECTOR

